



CARIBBEAN COURT OF JUSTICE

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STATEMENT BY THE PRESIDENT OF THE CCJ

Port of Spain, Trinidad and Tobago. Recent press reports and publications concerning the internal affairs of this Court have understandably caused concern, anxiety and profound sadness, both within the institution and across the region.

This has been particularly distressing because the Caribbean Court of Justice is far more than a judicial institution. It is the product of decades of blood, sweat and tears, by Caribbean people who believed that our Region was capable of establishing and sustaining its own final court. The Court stands today because of generations of Caribbean men and women who invested their intellect, labour and unwavering belief in the ideal of Caribbean justice. That legacy deserves our protection.

A number of allegations have been made concerning decisions taken by me in my capacity as President of the Court. I intend, in this statement, to provide context to those matters and to explain the principles upon which those decisions were made. Where I have been at fault I will own up to my shortcomings.

Before doing so, however, I must address what I regard as the most troubling aspect of this entire episode.

I condemn, in the strongest possible terms, the unauthorised disclosure and publication of confidential material relating to the internal deliberations and confidential correspondence of the Court. Such disclosures and their publication are wholly unacceptable and strike at one of the fundamental principles upon which every independent judiciary depends. It erodes trust in the sanctity of judicial deliberations and judicial collegiality. It erodes public trust and confidence in the third branch, and it does untold harm to the people we are sworn to serve and betrays the trust and confidence placed in us.

I will now deal with each of the allegations separately.

1. CONSULTATION

From the beginning of my Presidency, I have regarded consultation as an essential component of responsible judicial and institutional leadership. While the ultimate responsibility for many decisions undoubtedly rests with the President, I have consistently sought the views and advice of my judicial colleagues, management and members of staff on matters affecting the Court.

I have convened meetings of the Judges on a regular basis, including most recently on 30 July 2026. I have established an Executive Strategic Planning and Advisory Committee (ESPAC), comprising the two most senior Judges and the three most senior administrative office holders of the Court, to provide advice and guidance to the President on major strategic issues facing the Court. The ESPAC Committee meets as often as necessary, including most recently on 15 July and 28 July 2026.

The Monitoring and Evaluation (M&E) Committee provides another forum through which managers and supervisors report on progress made on their respective work plans towards achieving the objectives of the Court's Strategic Plan 2025-2032. In addition, I meet regularly with managers and divisional heads and routinely make myself available to members of staff across the Court through scheduled meetings and informal walkabouts. The most recent meeting of the M&E Committee being convened for two full days on 20 and 21 July 2026.

I do not refuse requests from my Judges to discuss any matter affecting the Court. I have consistently encouraged engagement, visited the offices of colleague Judges and staff and I remain available whenever issues arise requiring discussion.

2. JUDICIAL DRESS AND DRESS CODE

The second matter on which I wish to provide context concerns judicial attire and the proposed judicial dress code.

When the founders of the Caribbean Court of Justice established the Court, they determined that the longstanding Caribbean tradition of Judges wearing judicial robes during court proceedings would be maintained.

As the Rules of Court did not contemplate hearings conducted "in chambers", no express provision was made regarding attire in such proceedings. Over time, however, it became the accepted practice, consistent with a number of Caribbean jurisdictions, including those sending their appeals to us, for Judges to wear bench jackets during interlocutory and chamber matters. Then gradually it became accepted that CCJ judges would wear business suits/attire when not dressed in robes.

On 9 December 2025, during the hearing of *Nadira Nunez and others v Robina Basdeo* (GY/CV/2023/003), a colleague judge appeared in court wearing what I understood to be that judge's traditional national dress. The same occurred again on 17 April 2026, during *Wazir Ali v The Director of Public Prosecutions* (GY/CR/2026/001).

It was against the established institutional practice of judicial wear at the CCJ that my concerns arose. Those concerns did not arise in isolation or from any advice received from Judicial Counsel or another member of the Court's legal staff, as has since been suggested publicly. However, they were amplified when I received communications from persons at the level of Chief Justice and other senior judicial colleagues (some retired) across the Region expressing concern regarding the attire worn during official proceedings of the Court.

On 10 June 2026, I discussed the matter privately with my judicial colleague and explained my concerns. I was unable to persuade him to adopt the Court's established practice regarding judicial attire. Indeed, later that same day, I received written correspondence from the colleague informing me that, apart from occasions when judicial robes were required, he would appear in either his national dress or a suit and tie, presumably as the colleague thought fit.

I considered this to be totally unacceptable. Not having been able to secure a commitment to abide by the accepted practice of judicial wear for this Court, I took the decision as President to remove the colleague from the panel hearing a procedural preliminary application in *D'Almada v Trinidad and Tobago* (TT/N/OJ2026/001), scheduled for 2 July 2026. In reaching that decision, I was mindful not only of the Court's longstanding practice but also of the concerns expressed by senior judicial leaders elsewhere in the Region regarding the lack of uniformity of the Bench and the institutional appearance of the Court.

At the time of the removal from the interlocutory panel and replacement by another colleague, I made it abundantly clear in writing that the Judge's removal from that particular panel was based solely upon the issue of judicial attire and that it had nothing whatsoever to do with the Judge's opinions, participation in judicial conferences or deliberations, or the expression of judicial views. Further, he was later informed that he would be part of the panel for the substantive hearing of the matter. Indeed, in the very same communication to which I have referred, I expressly reaffirmed the right of every Judge, including of that colleague, to express his or her views freely during conferences, deliberations and discussions concerning the work of the Court.

Recognising that the issue extended beyond the immediate circumstance, I instructed a senior Court official to prepare a draft Judicial Dress Code for consideration by the Regional Judicial and Legal Services Commission (RJLSC) which was scheduled to meet on 26 June 2026. The dress code was prepared, which essentially codified the traditional practice of wearing either our judicial robes or Bench jackets when exercising the judicial function.

From Monday, 22 June 2026, i.e., five days before that RJLSC meeting, I offered my judicial colleagues several opportunities to consult and to meet to discuss the matter of the proposed judicial dress code collectively before it was considered by the RJLSC. Unfortunately, those opportunities were not taken up.

The matter was considered by the RJLSC on 26 June 2026, at which time I suggested, and the RJLSC agreed, that the draft Judicial Dress Code be further placed before my judicial colleagues for their review and comments. Not having received any suggested dates for these consultations, I proposed 10 July and/or 13 July 2026 for the discussion. Subsequently, my colleagues indicated

that they would avail themselves of the opportunity for consultation but requested that the two dates I proposed be vacated in favour of a more general meeting on governance of the Court. I readily agreed and had the requested meeting with my colleagues on Saturday, 25 July 2026. As promised, I transmitted a written response to my colleagues on 29 July 2026, relating to the issues raised at that meeting.

I understand and appreciate the view that I may have approached the matter of the handling of the issue dress code too strongly. I did so because I regarded it as an institutional issue concerning the appearance, consistency and tone of the Court, rather than a question directed at any individual Judge.

The CCJ is the apex court for a diverse Caribbean region and population. Dress codes set by the CCJ will have implications for all courts of member states as well as for the region.

The idea of individual judges adopting their own interpretation of national or traditional dress would seem to be at odds with the very concept of a Caribbean Court.

If it is the view of the region that national dress is appropriate for judges to wear on the bench, the inevitable question of what is “national dress” in a Caribbean context of diversity must be determined. This must be determined by the people of the region and toward this end I propose to engage all national courts in this consultation.

In the meantime, however, I consider it my duty as President to maintain the status quo and prevent unilateral decisions by individual Judges to alter established conventions.

3. PANEL COMPOSITION (“PANEL FIXING”)

Among the allegations that have recently surfaced publicly, perhaps the most serious wound is the suggestion that panels of the Court have been constituted or altered in order to secure a particular outcome in a case. Such an allegation strikes at the very heart of judicial independence and public confidence in the administration of justice. It therefore warrants a clear and direct response.

The allegation is wholly untrue.

The constitution of panels has always formed part of the administrative responsibilities of the President of the Caribbean Court of Justice. Since the establishment of the Court, that responsibility has been exercised in accordance with long-established institutional practice and with the sole objective of ensuring the orderly, efficient and impartial administration of justice. It has never been exercised to influence the outcome of any proceedings.

The allegations of panel fixing centre around the constitution of the panel in *D’Almada v The Attorney General of Trinidad and Tobago et al.* As explained earlier, I had already informed my judicial colleagues that the sole reason for altering the composition of the panel was to ensure conformity with the Court's established practice concerning judicial attire pending consideration of the proposed Judicial Dress Code. I made that position abundantly clear in my correspondence, and at no time was the alteration motivated by any consideration relating to the merits of the case or the anticipated outcome of the proceedings.

Indeed, it is noteworthy that the hearing in question was an interlocutory application. Following that hearing, all five Judges unanimously agreed that leave ought properly to have been granted to permit the substantive matter to proceed. I then directed that the substantive hearing of the matter should be heard by the Full Bench, including the judge who had insisted on wearing his traditional dress sitting in person; the hearing of the merits would be an occasion when the Court's judicial robes would be worn in accordance with established practice.

For completeness, I wish to make a few observations regarding the constitution of panels within the Court.

- First, once a panel has been constituted, it is highly irregular for a Judge simply to assume participation in proceedings without having been assigned to that panel. The orderly administration of the Court requires certainty as to the constitution of its benches before proceedings commence.
- Second, where a Judge considers that circumstances exist giving rise to an actual or perceived conflict of interest, the question of recusal must be considered carefully by the Judge concerned and, where appropriate, by the Court. Every Judge of this Court has sworn an oath to administer justice without fear or favour, affection or ill will, and where a Judge genuinely considers that impartial adjudication may not be possible, recusal is the proper course. Such decisions are approached with the utmost seriousness.
- Third, it should never be presumed that a Judge is incapable of deciding a matter impartially because of his or her nationality, place of origin or any other personal characteristic. Such an assumption is fundamentally inconsistent with the principles upon which every Court in any jurisdiction that observes the Rule of Law including the Caribbean Court of Justice is established. Indeed, one of the persistent criticisms advanced by opponents of Caribbean final appellate justice has been the unfounded suggestion that Caribbean judges are somehow less capable of exercising independence than judges sitting elsewhere. The experience of this Court over the past two decades has demonstrated precisely the opposite. Our Judges have consistently discharged their constitutional responsibilities independently, impartially and without regard to national origin, political consideration or personal interest. To suggest otherwise is to undermine not merely an individual Judge, but confidence in Caribbean justice itself.

The inferential leap required to elevate the issue of Bench attire to an allegation of panel fixing is irresponsible, intellectually dishonest, injudicious and quite simply, malevolent!

Accordingly, I reject entirely the suggestion that panels of this Court have been constituted or altered to secure predetermined outcomes. Such allegations are unsupported by the facts, inconsistent with the Court's long-established practices, and contrary to the principles upon which this Court has operated since its establishment.

However, to put this matter to rest, going forward, every Judge of the Court will be required to sit on every panel, unless the Judge opts out for a legitimate reason and is excused.

4. INFLUENCING JUDGMENTS

The independence of the judiciary is the cornerstone upon which the Caribbean Court of Justice was established. It is protected by the Court's constituent instruments, reflected in the oath taken by every Judge, and reaffirmed in internationally recognised standards, including the Bangalore Principles of Judicial Conduct. No Judge of this Court can or should be restrained from expressing his or her judicial views or from deciding any matter according to his or her independent assessment of the law and the evidence.

It is therefore with particular concern that I have noted suggestions in the public domain that I have sought to influence the outcome of cases before the Court. Those allegations are entirely unfounded and untrue.

In relation to *Tonya D'Almada v The State of Trinidad and Tobago et al*, I have already explained that the administrative decision concerning the composition of the interlocutory panel arose solely from the issue of judicial attire and had nothing whatsoever to do with any judicial views of the legal merits of the proceedings. That position was communicated directly to my judicial colleagues at the time and remains unchanged.

Reference has also been made publicly to *Nazar Mohamed and Azruddin Mohamed v Minister of Home Affairs, Oneidge Walrond, Attorney General of Guyana and Magistrate Judy Latchman* (CCJ Application No GY/A/CV2026/001).

Like many appellate courts throughout the Commonwealth, the Caribbean Court of Justice encourages robust and candid exchanges among its Judges during the deliberations and preparation of judgments. Judicial conferences frequently involve spirited discussion, differing legal analyses and careful consideration of competing views before a final judgment is settled. Such exchanges are not evidence of disagreement within the institution; they are evidence of Judges conscientiously performing their judicial functions. The people of the Caribbean deserve no less.

The discussions surrounding the preparation of the judgment in *Mohamed v Minister of Home Affairs* were no different. Colleagues expressed differing views regarding aspects of the reasoning and the manner in which certain issues should be articulated in the final judgment. That is both normal and healthy within a collegiate appellate court. No Judge worthy of being on the CCJ Bench would ever allow himself or herself to be unduly influenced by any other Judge including the President. It is worth noting that in *Mohamed v Minister of Home Affairs*, there was COMPLETE UNANIMITY among all seven judges as to the disposition of the appeal.

It is also not known by many that in the Original Jurisdiction of the Court, no dissenting judgements are published. The principle of unanimity is a standard practice in international courts exercising jurisdiction of this type.

The suggestion that judicial views were suppressed or that any Judge was directed to reach a particular conclusion is therefore wholly without foundation. Throughout my judicial career, both as a Judge and now as President, I have regarded judicial independence as inviolable. It is a principle that I have consistently defended and will continue to defend.

5. GUYANA

Reference has been made in the public domain to my meeting with the President and Leader of the Opposition of Guyana regarding the prolonged acting appointments of the Chancellor and Chief Justice of Guyana.

For more than two decades, Guyana has been without substantively appointed holders of its two highest judicial offices. This is a concern that did not originate with me, nor is it a concern directed at any particular Government, political party, or individual.

The Constitution of Guyana contemplates that its judiciary should be headed by substantively appointed constitutional office holders who enjoy the full protection afforded by security of tenure. Article 122A (1) provides that:

“All courts and all persons presiding over the courts shall exercise their functions independently of the control and direction of any person or authority and shall be free and independent from political, executive and any other form of direction and control.”

That constitutional guarantee is reinforced by provisions protecting judicial tenure, remuneration and the strict procedures governing the removal of judges.

In my respectful view, prolonged acting appointments sit uneasily with both the letter and spirit of constitutional safeguards. Such appointments inevitably create a structural vulnerability which is difficult to reconcile with the constitutional promise of complete judicial independence.

This is not a new position. At the Thirty-Seventh Annual Dinner of the Guyana Bar Association in 2013, my distinguished predecessor, the Right Honourable Sir Dennis Byron, referred to Article 127 of the Constitution of Guyana and observed that it imposed a constitutional obligation upon the President and the Leader of the Opposition to reach agreement on substantive appointments to the offices of Chancellor and Chief Justice. He further stated that the continued failure to make those appointments had moved beyond what ought to be acceptable in a modern constitutional democracy committed to the rule of law.

Likewise, in April 2022, my immediate predecessor, the Honourable Mr Justice Adrian Saunders, speaking at the Guyana Bar Association's Law Week Dinner, described the absence of confirmed appointments as “one significant blot on an otherwise impressive Guyanese legal and judicial landscape.”

My own position therefore reflected the position consistently expressed by successive Presidents of the Caribbean Court of Justice.

Let me be clear. I have no personal interest or preference in who is appointed Chancellor or Chief Justice of Guyana. My concern has always and only been confined to the constitutional principle that the judiciary should be headed by substantively appointed office holders enjoying the full constitutional protections intended by the framers of the Constitution.

During my official visit to Guyana for the swearing-in of our newest member of the CCJ Bench, I was accompanied by the Registrar and Chief Marshal of the Court, together with my Strategic Advisory Officer and Administrative Officer. During that visit, courtesy calls were paid on the President of Guyana, the Honourable Attorney General, the Director of Public Prosecutions and the collective representatives of the parliamentary opposition (ANPU, PNC, AFC, WIN, FGM).

In my discussions with the representatives of the Opposition, concerns were expressed that any appointments should be made strictly in accordance with the Constitution and without giving rise to any perception that the existing constitutional arrangements were being circumvented or superseded. Those concerns, I believe, reflected the hard realities surrounding the issue and illustrated the difficulty that had prevented agreement from being reached over twenty years.

Later again in October 2025, I sought, privately and in good faith, to encourage progress towards resolving the impasse. I visited Guyana and spoke separately with the President of Guyana and with the Leader of the Opposition at the then time; in the hope that agreement might be reached on substantive appointments to those offices. Those discussions were frank and undertaken solely in the interests of the administration of justice and judicial independence. They did not produce the outcome I had hoped for.

Looking back, I recognise that another course would have been much better. It may have been better to have confined myself to public commentary on the constitutional importance of substantive judicial appointments, as did my predecessors.

Throughout this matter, my only concern has been the preservation of judicial independence and the constitutional integrity of the Guyanese judiciary. Those considerations alone informed my actions and comments. They were not motivated by any political or other preference, personal interest, or any desire to intervene in the domestic affairs of Guyana beyond what I regarded as my responsibility as President of the final appellate court for that jurisdiction to ensure constitutional protection of the judiciary.

6. THE COURT'S WORK DURING THE PAST YEAR

While recent public commentary has understandably focused attention on a number of internal matters affecting the Court, it is equally important not to lose sight of the work that the Caribbean Court of Justice has continued to perform over the past year.

From the day I assumed office as President on 6 July 2025, my objective has been to build upon the strong foundation laid by my predecessors while pursuing improvements to the administration, visibility and work of the Court. That effort has been undertaken with the full support of my judicial colleagues, senior management and members of staff across the institution.

During the past year, the Court has delivered judgments in matters arising under both its Appellate and Original Jurisdictions, continued its constitutional responsibility as the final court for participating Member States, advanced the work of regional integration through its interpretation of the Revised Treaty of Chaguaramas, expanded its engagement with regional and international stakeholders, and implemented a considerable number of institutional initiatives directed towards

improving the administration of the Court and the service it provides to the people of the Caribbean.

Internally, significant work has also been undertaken to improve the Court's administration, governance, operational procedures, staff development, stakeholder engagement and public outreach. These initiatives were not undertaken for personal recognition, but because every institution must continue to improve if it is to remain worthy of the confidence reposed in it by the people whom it serves.

These accomplishments have not been achieved by the President acting alone. They reflect the dedication, professionalism and hard work of the Judges, our senior managers and every member of staff. I remain deeply grateful for their commitment to the institution and for the contribution each has made to our achievements over the past year indicated on the CCJ website.

CONCLUSION

I undertake that the Court will continue to hear and determine the cases that come before us, to discharge faithfully our responsibilities under the Agreement Establishing the Court and the Revised Treaty of Chaguaramas, and to serve the people of this Region with independence, fairness and integrity deserving of the trust and confidence of the Caribbean people.

End

About the Caribbean Court of Justice

The Caribbean Court of Justice (CCJ) was inaugurated in Port of Spain, Republic of Trinidad and Tobago on 16 April 2005 and presently has a Bench of seven judges presided over by CCJ President, the Honourable Mr Justice Winston Anderson. The CCJ has an Original and an Appellate Jurisdiction and is effectively, therefore, two courts in one. In its Original Jurisdiction, it is an international court with exclusive jurisdiction to interpret and apply the rules set out in the Revised Treaty of Chaguaramas (RTC) and to decide disputes arising under it. The RTC established the Caribbean Community (CARICOM) and the CARICOM Single Market and Economy (CSME). In its Original Jurisdiction, the CCJ is critical to the CSME and all 12 Member States which belong to the CSME (including their citizens, businesses, and governments) can access the Court's Original Jurisdiction to protect their rights under the RTC. In its Appellate Jurisdiction, the CCJ is the final court of appeal for criminal and civil matters for those countries in the Caribbean that alter their national Constitutions to enable the CCJ to perform that role. At present, five states access the Court in its Appellate Jurisdiction, these being Barbados, Belize, Dominica, Guyana, and Saint Lucia. However, by signing and ratifying the Agreement Establishing the Caribbean Court of Justice, Member States of the Community have demonstrated a commitment to making the CCJ their final court of appeal. The Court is the realisation of a vision of our ancestors, an expression of independence and a signal of the region's coming of age.

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